

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rules

### SCHOOL RECOGNITION

The STATE BOARD OF EDUCATION adopted emergency amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 14211) and Voluntary Registration and Recognition of Nonpublic Schools (23 IAC 425; 45 Ill Reg 14233), both effective 10/28/21 for a maximum of 150 days. These emergency rules clarify the processes through which public and non-public schools receive or lose SBE recognition and through which schools may appeal a demotion in recognition status.

#### Public Schools

Amendments to Part 1 provide that the State Superintendent assigns each public school and school district its recognition status (Fully Recognized, Recognized Pending Further Review, On Probation, or Nonrecognized) on

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

an annual basis, based upon information provided by the school district, the regional superintendent, or by any other means. The State Superintendent may change the recognition status of a public school or district at any time, but Nonrecognized status can be assigned only after the State Board itself has reviewed the case and taken action. A school or district that is Recognized Pending

(cont. page 2)

## Proposed Rulemakings

### EDUCATORS

The STATE BOARD OF EDUCATION proposed amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 14061) changing the maximum student age for special education endorsements to 22 (currently, 21) to reflect PA 102-72, which allows special education students who reach their 22<sup>nd</sup> birthday during a school year to continue receiving services through the end of the school year. The rulemaking also requires at least 5 semester hours of content coursework for all teachers regardless of when they were licensed; clarifies the ending date for middle school endorsement criteria that were in effect from 7/1/97 to 1/31/18; and clarifies requirements applicable to the City of Chicago for utilizing

(cont. page 3)

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Adopted Rules

## ■ CHILD PERFORMERS

The DEPARTMENT OF LABOR adopted amendments to the Part titled Illinois Child Labor Law (56 IAC 250; 45 Ill Reg 4071) effective 11/1/21, updating DOL rules regarding child performers in film, television, stage and related productions. The rulemaking requires that, prior to casting any child under age 16, the employer must provide the child's parent/

guardian with an accurate description of the performance that will be expected of the child. The parent/guardian or a chaperone may refuse to give permission for any performance that he or she believes is beyond the capabilities of the child or was not accurately described prior to casting. The rulemaking also establishes more detailed limitations, by age, on the time children may spend working on a movie, TV or related

production set. Children under age 16 shall not perform more than 42 hours per week (7 hours per day, 6 days per week; formerly 48 hours per week or 8 hours per day, 6 days per week) nor shall they perform without a parent/guardian or chaperone present. Infants under 15 days old and premature infants under 1 year old shall not be featured in film or TV productions.

(cont. page 4)

## Emergency Rules

(cont. from page 1)

Further Review or On Probation will not lose the rights and privileges of schools/districts that are Fully Recognized. If a school exhibits any of the deficiencies currently listed in rule that warrant demotion to On Probation status (e.g., health hazards/dangers to students or staff, failure to offer required coursework, employment of unqualified personnel), the State Superintendent must schedule a conference with SBE personnel and district representatives to discuss compliance issues prior to placing the school On Probation. If other, less serious deficiencies are evident, the State Superintendent will place the school in Recognized Pending Further Review status. The superintendent of a district demoted to a lower status has 10 days after receiving notification of the status change to appeal the decision to the State Board. An appeal hearing may take place in person or by videoconference or other electronic means. A district or school shall be restored to Fully

Recognized status upon submission of satisfactory evidence that the district/school is in compliance with the applicable requirements that prompted the change in recognition status. If a school/district that is On Probation fails to submit a satisfactory corrective action plan within 15 days (currently, 60 days) after its conference with SBE or after an appeal hearing that affirms its On Probation status, the State Superintendent shall recommend to the State Board that the school/district be placed in Nonrecognized status. The district then has 30 days to request another hearing before the State Board makes its final decision. The Part 1 rulemaking also clarifies that the appeal procedures currently in rule for other actions (e.g., development or implementation of school improvement plans) do not apply to recognition status appeals.

### Non-Public Schools

The Part 425 amendments replace the current recognition statuses

(full, pending, probationary, or none) for non-public schools with the same statuses assigned to public schools (Fully Recognized, Recognized Pending Further Review, On Probation, and Nonrecognized). A school that applies directly to SBE for recognition but is denied due to deficiencies may reapply later or seek recognition via accreditation from an external organization. A school assigned Recognized Pending Further Review status must be notified of the deficiencies that prompted the decision and given an opportunity to correct them. Appeal and hearing procedures for public schools outlined in the Part 1 emergency rule are, in this emergency rule, also extended to non-public schools contesting a demotion in recognition status.

*Questions/requests for copies of the 2 SBE emergency rules: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, (217) 782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

# Proposed Rulemakings

(cont. from page 1)

substitute teacher recruitment firms.

*Questions/requests for copies/ comments through 12/27/21: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, (217) 782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

## MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed an amendment to Medical Assistance Programs (89 IAC 120; 45 Ill Reg 14080) concerning eligibility for Medicaid long-term care assistance. The amendment reduces the time period prior to the month of application during which medically necessary expenses may be deducted from the applicant's income from 6 months to 3 months, provided these expenses are still a current liability to the applicant and were not used to meet a spenddown requirement.

*Questions/requests for copies/ comments through 12/27/21: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Floor, Springfield IL 62763-0002, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## ■ BUSINESS ORGANIZATION

The SECRETARY OF STATE proposed amendments to Business Corporation Act (14 IAC 150; 45 Ill Reg 14099), General Not For Profit Corporations (14 IAC 160; 45 Ill Reg 14105) and

Limited Liability Company Act (14 IAC 178; 45 Ill Reg 14109) concerning the naming and organization of corporations and LLCs. Amendments to Parts 150 and 160 require the officers and directors of any domestic or foreign corporation authorized to transact business in Illinois to be natural persons 18 years of age or older. Additionally, the Part 150 rulemaking requires foreign corporations operating under assumed names to comply with the applicable provisions of the Business Corporation Act. The Part 178 rulemaking requires that limited liability companies include "Limited Liability Company", "LLC", or a similar suffix in their names; requires foreign LLCs that adopt assumed names to comply with the Limited Liability Company Act; and provides that failure to comply with the requirements for assumed names will subject the foreign LLC to revocation of its authorization to conduct business in Illinois. Those affected by these rulemakings include small businesses operating as corporations or LLCs and non-profit corporations.

## ■ DRIVING COURSES

SOS also proposed amendments to the Part titled Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction (50 IAC 8000; 45 Ill Reg 14114) implementing PA 101-397, which allows driving courses taken by drivers age 55 or older in order to receive an insurance discount to be conducted online as well as in person. The rulemaking allows these courses to be offered

virtually (conducted in real time by a live instructor, using a video or internet connection) or by e-learning (self-guided learning via electronic media, with or without an instructor or proctor), establishes the requirements to be certified as an e-learning course provider or instructor, and clarifies the process to be used to de-certify a provider or instructor. Successful completion of a course requires passage of a final exam consisting of at least 25 questions, with a score of 80% or higher. Enrollment in in-person and virtual classes must not exceed the lesser of 50 persons or the capacity of the facility. Providers of online accident prevention/defensive driving courses are affected by this rulemaking.

*Questions/requests for copies/ comments on the 4 SOS rulemakings through 12/27/21: Pamela Wright, SOS, 298 Howlett Building, Springfield, IL 62756, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## STATE RETIREMENT

The STATE EMPLOYEES' RETIREMENT SYSTEM proposed amendments to The Administration and Operation of the State Employees' Retirement System of Illinois (80 IAC 1540; 45 Ill Reg 14138) updating and clarifying various provisions. The rulemaking clarifies that if legal action provides for the reinstatement of a terminated employee who accepted a refund or began retirement following a

(cont. page 5)

# Adopted Rules

(cont. from page 2)

Maximum work time allowed per day is 20 minutes for infants up to age 6 months; 2 hours for children ages 7 months through 2 years; 3 hours for children ages 3-5; 4 hours on school days and 6 hours on non-school days for children ages 6-8; and 5 hours on school days and 7 hours on non-school days for children ages 9-15. Children ages 6 through 15 must receive at least 3 hours of schooling on school days when working in a movie/TV production, and all children must be allowed at least 1 hour (ages 3-15) or 2 hours (ages 7 months-2 years) per working day for rest, meals and recreation. When work on a production prevents child performers from attending their regular schools, the employer must provide studio teachers with professional educator licenses to provide educational instruction in accordance with Illinois learning standards. At least one teacher per 10 children ages 5-8 and 1 teacher per 20 children ages 9-15 must be provided. Licensed medical professionals (including, for infants, at least one registered nurse per 3 infants under 6 months, or per 10 infants ages 7 months through 1 year) also must be onsite and available to respond to medical emergencies when child performers are present. Child performers may not be sent to wardrobe, dressing, hair dressing or makeup unless accompanied and supervised by a chaperone or studio teacher. The rulemaking also includes general updates and clarifications to two Sections regarding employment certificates

issued by school officials to any child under age 16 seeking permission to work before/after school or on non-school days. Since 1<sup>st</sup> Notice, DOL has clarified provisions for making up missed school hours; clarified that a parent can also serve as an on-set chaperone; allowed chaperones as well as parents/guardians to refuse permission for a child's performance; and established a process by which an employer can seek a waiver from DOL restrictions on late night or overnight working hours for child performers. Those affected by this rulemaking include producers of entertainment productions featuring child performers.

*Questions/requests for copies: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, [Jason.keller@illinois.gov](mailto:Jason.keller@illinois.gov)*

## ■ PROPERTY TAX APPEALS

The PROPERTY TAX APPEAL BOARD adopted an amendment to Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 IAC 1910; 45 Ill Reg 6631) effective 10/26/21, allowing hearings to be conducted by video conference with the consent of all involved parties. The hearing notice must include all information needed for the party to connect to the conference (e.g., software password, meeting number and password). Persons with cases before PTAB are affected.

*Questions/requests for copies: Michael O'Malley, PTAB, Suburban North Regional Office, 9511 W. Harrison St., Suite LL-54, Des Plaines IL 60016, 847/294-4121, fax: 847/294-4799, [Michael.OMalley@illinois.gov](mailto:Michael.OMalley@illinois.gov)*

## TORTURE COMMISSION

The TORTURE INQUIRY AND RELIEF COMMISSION adopted amendments to Organization, Public Information, Procedures, and Rulemaking (2 IAC 3500; 44 Ill Reg 17392) effective 10/27/21, concerning conflict of interest policies and procedural safeguards for claimants seeking relief. (The Commission investigates claims by persons convicted of criminal offenses in Cook County that their convictions were based upon statements coerced by the police.) This rulemaking reinstates provisions repealed at 45 Ill Reg 13971 effective 10/25/21. (The repeal reversed an internal rulemaking adopted in 2020 without allowing for public comment and JCAR review; this rulemaking was proposed in the 10/30/20 *Illinois Register* and was subject to the regular rulemaking process.) The amendments add conflict of interest provisions that specify when a member of the Commission must disqualify himself or herself from an investigation. Potential conflicts of interest that require a Commissioner to step aside from an investigation include personal

(cont. page 5)



## Proposed Rulemakings

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(cont. from page 3)

wrongful termination, that member can reinstate the service credit or repay the retirement benefit without interest as long as an installment plan is executed within 30 days of notice. With regard to Qualified Illinois Domestic Relations Orders (QILDROs; typically used to divide pension benefits between divorced spouses), if a SERS member whose benefits were subject to a QILDRO dies before a QILDRO Calculation Order has been submitted, the alternate payee (e.g., the surviving ex-spouse) will be responsible for obtaining that order. If the alternate payee fails to provide that order within 180 days after notification from SERS, then his or her portion of the benefits shall be payable to the member's estate or designated beneficiaries. If a retiree returns to service in a

manner that causes his or her retirement annuity to be suspended, then that member must repay SERS the full monthly pension he or she received for the month in which the retirement annuity triggered the suspension provision. For purposes of determining a surviving child's eligibility for a survivor's annuity, full-time student status is determined by the standard set by that student's college for that student's course of study. Other provisions delay the processing of a Termination Refund or Total Buyout Payment for a member with a pending Social Security Disability or Workers' Compensation claim until that claim is resolved, and suspend Nonoccupational Disability Benefits or Temporary Disability Benefits of members that refuse to apply for Social Security Disability benefits.

*Questions/requests for copies/ comments through 12/27/21: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255, Springfield IL 62794-9255, 217/524-8105, Fax: 217/558-8503, [jeff.houch@srs.illinois.gov](mailto:jeff.houch@srs.illinois.gov)*

### SBEL OFFICIALS

The STATE BOARD OF ELECTIONS proposed amendments to Personnel (26 IAC 212; 45 Ill Reg 14131) changing the appointments of SBEL Directors and other senior-level employees from fixed 4-year terms to terms of "no longer than" 4 years.

*Questions/requests for copies/ comments through 12/27/21: Marni M. Malowitz, SBEL, 69 W. Washington St., Pedway LL08, Chicago, IL 60602.*

## Adopted Rules

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bias or prejudice concerning a party or that party's attorney; personal knowledge of disputed evidentiary facts about the matter in controversy; having served as an attorney, advocate or law enforcement officer in the case at issue; having worked for the law firm representing the claimant

within the last 3 years; or reasonable expectation of being called as a material witness if an evidentiary hearing is held. A Commissioner must also step aside if these criteria apply to his or her spouse, parent, child or another relative within the third degree of relationship (i.e., great-grandparents, great-grandchildren, and closer relatives). The

amendments also clarify when, how and for what purposes counsel may be appointed for an indigent person bringing a claim before the Commission.

*Questions/requests for copies: Rob Olmstead, TIRC, 100 W. Randolph St., Suite 5-100, Chicago IL 60601, 312/814-1094.*

## Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed, commencing the JCAR review period. These rulemakings will be listed in next week's *Illinois Register* and considered at the December 14, 2021, meeting to be held in Chicago. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### AUDITOR GENERAL

Code of Regulations (74 IAC 420; 45 Ill Reg 9519) proposed 7/30/21

### DEPT OF LABOR

Health and Safety (56 IAC 350; 45 Ill Reg 11485) proposed 9/17/21

### IL EMERGENCY MANAGEMENT AGENCY

Licensing of Radioactive Material (32 IAC 330; 45 Ill Reg 10497) proposed 8/20/21

Medical Use of Radioactive Material (32 IAC 335; 45 Ill Reg 10598) proposed 8/20/21

### SECRETARY OF STATE

Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 8627) proposed 7/16/21

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, <i>co-chair</i></b>	<b>Representative Tom Demmer</b>
<b>Senator John F. Curran</b>	<b>Representative Michael Halpin</b>
<b>Senator Donald DeWitte</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Steven Reick</b>
<b>Senator Tony Muñoz</b>	<b>Representative Curtis Tarver, II</b>
<b>Senator Sue Rezin</b>	<b>Representative Keith Wheeler, <i>co-chair</i></b>

**Kim Schultz**  
**Executive Director**